

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEEDLES FIELD OFFICE**

**DETERMINATION OF NEPA Adequacy (DNA)
(DOI-BLM-CA-D090-2022-0006-DNA)**

Proposed Action Title/Type:

Piute Mountain Herd Area Gather and Capture Plan Review.

A. Description of Proposed Action:

The Bureau of Land Management (BLM) is proposing to continue using locations and methods previously analyzed in Environmental Assessment (EA) DOI-CA-690-EA03-09 for the removal of wild and free-roaming burros that exceed Appropriate Management Levels (AML).

In 2003 the BLM analyzed a capture plan for managing the removal of free-roaming wild burros from the Piute Mountain Herd Area. At the time, surveys suggested an excess population of approximately 20 burros within the combined locations (DOI-CA-690-EA-09, page 7). A decision record signed on April 14, 2003, approved the plan to remove the burros, but limited the operation to fiscal years 2003 through 2008.

On May 19, 2018, a helicopter survey was conducted on the Piute Mountain Herd Area. A total of 41 burros were counted at the time. It was also observed that Fenner Spring, the only perennial water source within the Piute Mountains for the burros and other wildlife, had significantly receded.

On July 6, 2022, the BLM staff conducted a field survey and counted 38 burros at Fenner Springs. Fenner Spring is recognized in the EA as part of the Piute Mountain Herd Area (HA) (page 3). It is currently estimated that there are approximately 60 burros roaming within the Piute Mountain Herd Area.

Implementation of this action would enable the Bureau of Land Management, Needles Field Office to use the existing capture plan to perform an emergency gather of burros from the Fenner Spring area and to continue working towards compliance with the AML goals outlined in the California Desert Conservation Area Plan (CDCA) for managing the above-mentioned HA. This action is necessary to prevent deaths from burros due to dehydration, reduce future resource impacts to vegetation, soils, desert tortoise and its critical habitat, and minimize other safety hazards to burros and people.

Methods of capture for Piute Mountain Herd area would consist of a wildlife friendly bait trapping technique analyzed in the EA (pages 8-14) and authorized in a 2003 Decision Record to capture and remove burros. Temporary troughs will be placed to draw burros to the gather site. Weed free or locally grown alfalfa, orchard grass or other types of hay and food supplements along with water troughs would be placed at each of the gather sites.

If any stray cattle are trapped through this action, the Wild Horse and Burro Specialist, NFO Rangeland Management Specialist and grazing operator shall be contacted to remove the livestock. This action is in accordance with 43 CFR 4710.6, Removal of unauthorized livestock in or near areas occupied by wild horses or burros.

Location of proposed Action:

Gather locations will be consistent with those analyzed in the EA (pages 13-14).

B. Land Use Plan Conformance

Land Use Plan Name:

Date Approved/Amended:

California Desert Conservation Area Plan (CDCA) of 1980, as amended September 2016.

The proposed action is subject to and in conformance with the CDCA, as amended in accordance with Title 43 Code of Federal Regulations 1610.5-3. The Plan's multiple use guidelines requires that burros be maintained in accordance with the Wild and Free-Roaming horse and Burros Act of 1971 but also be subject to controls needed to protect sensitive resources. (CDCA page 51)

Specifically, the CDCA Plan's Wild Horse and Burro Element Goal 3 provides that all wild horses and burros from areas not designated for retention and excess wild horse and burros from designated retention areas should be removed.

- The 1984 Eastern Mojave Herd Management Area Plan (EMHMAP) objectives provides that all burros would be removed from the Piute Mountain Herd Area.

Additional Statutes and Regulations Applicable:

- Wild Free Roaming Horse and Burro Act of 1971
- Federal Land Policy and Management Act of 1976, As Amended
- Public Rangelands Improvement Act of 1978
- Codes of Federal Regulations 43 CFR 4720.1, Removal of excess animals from public lands
- National Historic Preservation Act of 1966 as amended
- Archaeological Resources Protection Act of 1979
- BLM Manual 4700

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Capture Plan for the Removal of Wild Free-Roaming Burros from the Piute and Dead Mountains Herd Areas, and the Chemehuevi Herd Management Area Environmental Assessment (CA-690-EA03-09).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The proposed action is a feature of the preferred alternative analyzed in DOI-CA-690-EA-03-09 and authorized by a 2003 Decision Record. The geographic and resource conditions for the current project are the same as those analyzed in the EA. Method and locations are both analyzed in the EA (see pages 7-17, 20-45).

The Environmental Assessment addressed the proposed action utilizing two methods of capture; helicopter assisted gathers and bait trapping (page5). The proposed action would continue to follow the procedures described and applicable Terms and Conditions outlined in pages 7-17 will be adhered to. The BLM will determine when a Service-authorized biologist needs to be present for actions associated with the proposed action.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The range of alternatives analyzed in the existing environmental assessment are appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values. The current environmental concerns, interests and resource values have not changed since the 2003 Decision Record was issued. The range of alternatives evaluated in the EA are reflective of the current situation. Alternatives, including the proposed action, focused on the methodology of gathers as it relates to land use designation.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The existing analysis is valid considering any new information or circumstances. The methodology and analytical approach used in the existing environmental assessment continues to be appropriate for the current proposed action. No new information or circumstances have identified an issue that would change the analysis for these resources in relation to the proposed action. The affected environment described in the EA from pages 20-36 is the same. The analysis for the affected resource values are described in the EA from pages 36-45. No new information or circumstances have become an issue that would change the analysis for these resources in relation to the proposed action.

The methodology and analytical approach used in the existing EA continues to be appropriate for the current proposed action. The methodology for removal of burros has not changed from what was identified in DOI-CA-690-EA03-09 pages 8-11 and approved in the 2003 Decision Record. There is no new information that would change the analytical approach used in the existing NEPA document.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the

new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The proposed action is the same as the one previously analyzed in the referenced EA. Therefore, the direct, indirect and cumulative effects resulting from the new proposed action are within the level of effects (quantitatively and qualitatively) already analyzed. There is no new information or circumstances that would change the analysis of the affected resources.

The Environmental Consequences are evaluated from pages 36-45. The Residual impacts are described on pages 45-46. The cumulative impacts are described on pages 46-47. These impacts describe the anticipated affects will occur with the actions of capture techniques, impacts at capturing sites, and effects of removing wild burros.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Public involvement for the Environmental Assessment was extensive. A notice of proposed action was sent to over 224 individuals on August 12, 2002, which generated one (1) response from the Sierra Club supporting the removal provided the use of low-level helicopter use could be minimized.

Two interest groups, The Fund for Animals and Colorado Wild Horse and Burro Coalition, were also notified of the proposed action in September 2002. No comments were received. (Page 51)

There is no new information or new circumstances with respect to the resources, that would substantially change the analysis of the proposed action requiring additional public involvement or review of associated NEPA documents.

The new proposed action was made available through the BLM e-Planning website for public review on July 21, 2022. No public input was received. Affected interests that have requested to be kept updated for actions involving the Piute Mountain Herd Area will be notified of this action.

E. Persons/Agencies /BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
Alex Neibergs, Wild Horse and Burro Specialist		BLM, Ridgecrest Field Office
Justin Saiz, Wildlife Biologist		BLM, Needles Field Office
Chris Dalu, Archeologist		BLM, Needles Field Office
Ramona Daniels, Wilderness Coordinator		BLM, Needles Field Office

Note: Refer to DOI-CA-690-EA03-09 for a complete list of the team members participating in the preparation of the original environmental assessment or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

REVIEWED:

WILLIAM WEBSTER
Planning and Environmental Coordinator

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Date

APPROVED:

**MICHAEL
AHRENS**
Needles Field Office Manager

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Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.